

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kazuyoshi INOUE

Examiner: Michael A. Band

Serial No.: 10/594,756

Group Art Unit: 1795

Filed: September 29, 2006

Title: INDIUM OXIDE-CERIUM OXIDE BASED SPUTTERING TARGET,
TRANSPARENT ELECTROCONDUCTIVE FILM, AND PROCESS FOR
PRODUCING A TRANSPARENT ELECTROCONDUCTIVE FILM

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Restriction of November 19, 2009, Applicants hereby elect Group I, Claims 1-5, drawn to the sputtering target. The requirement for restriction is respectfully traversed.

The requirement for restriction is respectfully traversed, in as much as it is submitted that there would be little, if any additional burden upon the Examiner in order to examine the claims directed to the film produced from the sputtering target, and to the method of producing said film from said target. This is because a search of the target, on information and belief, for completeness would also require a search of the classes and subclasses where the film is contained, and wherein the process for using the target to produce the film is contained. In such a situation where there is little, if any additional burden upon the Examiner, MPEP §803 mandates keeping all groups of claims together in a single application.

Moreover, it is submitted that should the sputtering target of Group I be found to be allowable, the process of using the sputtering target in Group III would also be *per se* allowable.

This provides further basis for keeping these groups together.

Accordingly, withdrawal of the Restriction Requirement is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,
/Harry B. Subin/

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